

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

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|---|---|-----------------------|
| LEDURIAL J WELLS, individually, |) | |
| |) | |
| Plaintiff, |) | No. 2:20-cv-01796 |
| v. |) | |
| |) | |
| DAVID HECT and JOHN/JANE DOE HECT, |) | AMENDED COMPLAINT FOR |
| individually and in the marital community |) | PERSONAL INJURIES IN |
| comprised thereof; FEDERAL BUREAU OF |) | TORT |
| INVESTIGATION, et al; JOHN/JANE DOES |) | |
| I-V, |) | |
| |) | |
| Defendants. |) | |

COMES NOW the Plaintiff, above named, by and through attorney Joss Horslen of PHILLIPS LAW FIRM, and complains and alleges against the above-named Defendants as follows:

I. PARTIES

1.1 Plaintiff JR (Ledurial) Wells is currently a resident of Everett, Snohomish County, Washington. Plaintiff JR (Ledurial) Wells resided in Everett, Snohomish County, Washington at all times relevant and material to this Complaint.

1 1.2 Defendants David Hecht and John/Jane Doe Hecht, on information and belief are
2 residents of Seattle, King County, Washington and are believed to have resided in Seattle, King
3 County, Washington at all times relevant and material to this Complaint.

4 1.3 Defendants David Hecht and John/Jane Doe Hecht are husband and wife and
5 comprise a marital community believed to be residing in King County, Washington. All acts of
6 these Defendants complained of herein were done both individually and for the benefit of the
7 marital community.

8 1.4 Defendant Federal Bureau of Investigation, hereinafter referred to as “Defendant
9 FBI”, was/is the employer of Defendant David Hecht. Defendant David Hecht is to have been
10 working at the time of the incident and was believed to be driving a vehicle owned by the
11 Defendant FBI.

12 1.5 Defendants John/Jane Does I-V, on information and belief and at all material
13 times, are additional drivers/individuals involved or whom Defendants may assert were
14 involved or contributed in causing the motor vehicle collision giving rise to this lawsuit,
15 including but not limited to any individuals to whom Defendants may attribute any comparative
16 fault for the collision at issue or plaintiff’s resulting injuries. This also includes any
17 individuals/entities with an ownership interest in vehicles involved to any extent in the accident
18 at issue, and/or any individuals currently unknown who may be discovered to have vicarious
19 liability for any drivers or individuals potentially at fault for this collision. When the identity of
20 any such individuals becomes known, Plaintiff will amend these pleadings to reflect their true
21 identity.

1 **II. JURISDICTION, VENUE, AND PROCEDURAL REQUIREMENTS**

2 2.1 The motor vehicle collision that is the subject of this litigation occurred in
3 Redmond/Kirkland, King County, Washington. Venue is proper pursuant to RCW 4.12.020(3).

4 2.2 This action was commenced within the time permitted by the applicable statute
5 of limitations.

6 2.3 Any and all claim notices have been properly filed and served, and any
7 applicable waiting period has expired since the date of filing and service of the complaint.

8 2.4 Defendant acknowledge that they have been properly served with the Summons
9 and Complaint in this matter.

10 2.5 There is no person or entity unnamed in this lawsuit who caused or contributed
11 to the damages alleged herein.

12
13 **III. FACTS**

14 3.1 Date: JR (Ledurial) Wells's injuries and damages arise out of an automobile
15 collision that occurred on or about the 22nd day of January 2019.

16 3.2 Location: The collision occurred on 85th St in Kirkland, King County,
17 Washington.

18 3.3 Details: On or about the 22nd day of January 2019, Plaintiff Ledurial J. Wells was
19 traveling in their lane going approximately 30 mph. Defendant David Hecht pulled out in front
20 of the Plaintiff. The Plaintiff immediately applied their breaks but due to the wet road
21 conditions they were unable to stop in time. The Plaintiff collided the Defendant's vehicle.

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23 **IV. NEGLIGENCE**

24 4.1 Duty: Defendants, through common law, statute, regulation and/or ordinance
25 owed Plaintiff a duty to drive attentively, keep a careful lookout, and to otherwise exercise

1 ordinary and reasonable care while operating a vehicle within the State of Washington. This
2 duty included a duty to obey all relevant rules of the road pursuant to RCW 46.61 et seq.

3 4.2 Breach: Defendants breached their duties as set forth herein.

4 4.3 Proximate Cause: As a direct and proximate cause of Defendant's breach of
5 duties as set forth herein, Plaintiff JR (Ledurial) Wells has suffered personal injuries and
6 damages.

7
8 **V. DAMAGES**

9 5.1 As a direct and proximate result of the negligence alleged herein, Plaintiff has
10 suffered severe physical injuries and Plaintiff is entitled to fair and reasonable compensation.

11 5.2 As a direct result of the negligence alleged herein, Plaintiff has incurred and will
12 continue to incur medical expenses and other out-of-pocket expenses and Plaintiff is entitled to
13 fair and reasonable compensation.

14 5.3 As a direct and proximate result of the negligence alleged herein, Plaintiff has
15 incurred property damage, and has, and may continue to, incur loss of use and diminished value
16 of said property and Plaintiff is entitled to fair and reasonable compensation.

17 5.4 As a direct and proximate result of the negligence alleged herein, Plaintiff has
18 suffered and will continue to suffer physical pain and suffering and Plaintiff is entitled to fair
19 and reasonable compensation.

20 5.5 As a direct and proximate result of the negligence alleged herein, Plaintiff has
21 suffered mental and emotional distress, loss of enjoyment of life, past and future disability,
22 permanency of injury and Plaintiff is entitled to fair and reasonable compensation.

23 5.6 As a direct and proximate result of the negligence alleged herein, Plaintiff has
24 sustained past wage loss and loss of future earning capacity.
25

1 5.7 Plaintiff is entitled to attorney fees.

2 5.8 Plaintiff is entitled to prejudgment interest of all medical and other out-of-pocket
3 expenses directly and proximately caused by the negligence alleged in this complaint.

4 5.9 Plaintiff is entitled to costs and disbursements herein.

5 **VI. WAIVER OF PHYSICIAN/PATIENT PRIVILEGE**

6 6.1 Plaintiff asserts the physician/patient privilege for 88 days following the filing of
7 this complaint. On the 89th day following the filing of this complaint, the Plaintiff hereby
8 waives the physician/patient privilege.

9 6.2 The waiver is conditioned and limited as follows: (1) Plaintiff does not waive the
10 Plaintiff's constitutional right of privacy; (2) Plaintiff does not authorize contact with the
11 Plaintiff's health care providers of any kind except by judicial proceeding authorized by the
12 Rules of Civil Procedure; (3) Representatives of the Defendants are specifically instructed not to
13 attempt ex parte contacts with health care providers of Plaintiff; and (4) Representatives of the
14 Defendants are specifically instructed not to write letters to Plaintiff's health care providers
15 telling them that they may mail copies of records to the Defendants.

16 Wherefore Plaintiff prays:

17 **VII. RELIEF SOUGHT**

18 7.1 Special Damages for Plaintiff in such amounts as are proven at trial.

19 7.2 General Damages for Plaintiff in such amounts as are proven at trial.

20 7.3 Costs including attorney's fees for Plaintiff as are proven at trial.

21 7.4 Prejudgment Interest on all liquidated damages.

22 7.5 For such other and further relief as the court deems just, equitable and proper for
23 Plaintiff at the time of trial.
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1 DATED THIS 9th day of December 2020.

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3 PHILLIPS LAW FIRM

4 *Doug Weinmaster*
5 Douglas Weinmaster, WSBA # 28225
6 Attorney for Plaintiff
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